

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-4, 8-11, 15-16 and 19-20 have been amended. Claims 5-7, 12-14, 17-18 and 21-24 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-4, 8-11, 15-16 and 19-20 are presented for examination. The following remarks are in response to the final Office Action, mailed June 7, 2006, and the Advisory Action mailed thereafter.

35 U.S.C. § 102 Rejection

Claims 1-3, 5, 8-10, 12, 15, 16-18 and 22 stand rejected under 35 U.S.C. §102(b), as being anticipated by Kozaki, et al. U.S. Patent No. 5,828,888 ("Kozaki").

Claim 1, as amended, recites:

A method comprising:
receiving through a network an indication from a device;
upon determining from the indication that the device is in a first state in which a first system has not been installed on the device, instructing the device through the network to install the first system prior to installing a second system, the second system including a first operating system;
upon receiving through the network from the device an indication that the first system has been installed, indicating through a user interface that the device is in a second state in which the device is available to install the second system selectable through the user interface;
and
upon a selection of the operating system, instructing the device through the network to install the second system.
(emphasis provided)

Claim 4, as amended, recites:

The method of claim 2, further comprising:
upon receiving the indication that the second system has been installed, indicating through the user interface that the device is in a third state in which the device is available for a third system to be

selected for the device, the third system including a second operating system;
upon an indication to return the device to the third state in which the third system has not been selected for the device, instructing the device through the network to install the first system prior to installing the third system; and
upon receiving an indication through the network from the device that the first system has been installed, selecting the third system selectable through the user interface, and instructing the device through the network to install the third system.
(emphasis added)

Kozaki discloses a “computer network having [an] os-versions management table to initiate [a] network boot process via [a] master computer.” (Title; emphasis provided). Reviewing the sections of Kozaki referred to by the Examiner, Kozaki discloses “[t]he list of OS versions contained in [a] message is displayed and *one of the OS versions is selected by the user at the source computer.* The version number of the selected operating system is entered through [a] console and *a network boot message is produced.*” (col. 4, lines 19-24; emphasis added) The “[c]omputer returns a network boot response message by sending a copy of the requested operating system to the source computer, and then [sends] *a network boot complete message.*” (col. 4, lines 29-33; emphasis provided).

In contrast, claim 1, as amended, in pertinent part, recites “a first state in which a first system has not been installed on the device, instructing the device through the network to **install the first system prior to installing a second system**, the second system including a first operating system . . . upon receiving through the network from the device an indication that the first system has been installed, indicating through a user interface that the device is in a **second state in which the device is available to install the second system selectable through the user interface** . . . upon a selection of the

operating system, instructing the device through the network to install the operating second system” as recited by claim 1. Kozaki does not teach or reasonably suggest instructing a device to install a first system prior to a second system according to the device states and indication received, the second system including a first operating system. Claim 4 further recites instructing the device to install the first system prior to installing a third system, the third system including a second operating system. Kozaki does not teach or reasonably suggest at least this feature of claim 4. Accordingly, Applicants respectfully request the withdrawal of the rejection to claim 1 and its dependent claims.

Claims 8 and 15 contain limitations similar to those of claims 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 8 and 15 and their dependent claims.

35 U.S.C. § 103 Rejection

Claims 4, 6, 7, 11, 13, 14, 19-21, 23 and 24 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Kozaki, in view of Slivka et al., U.S. Patent 6,256,668 (“Slivka”).

Claims 4, 6, 7, 11, 13, 14, 19-21, 23 and 24 depend from one of independent claims 1, 5, 8, 12, 15 and 22 and thus they include all the limitations of their base claim. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 4, 6, 7, 11, 13, 14, 19-21, 23 and 24.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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